IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

First Appeal No.273/1992

[Anna Marotrao Dhawad .vrs. State of Maharashtra through The Collector, Nagpur]

Office Notes, Office Memoranda of Coram, appearances, Court's orders of directions and Registrar's orders	Court's or Judge's order

Mr. S.V. Bhutada, Advocate for the appellant,
Mr. T.R. Kankale, AGP for the respondent.

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CORAM : K.J. ROHEE AND
R.C. CHAVAN, JJ.
DATED : DECEMBER 20, 2007.

1. During the course of hearing Mr. T.R. Kankale, the learned AGP, brought to our notice that the land acquisition proceedings were started on the proposal from Municipal Council, Katol for the purpose of its schemes. Mr. Kankale further submitted that in the reference proceedings, Municipal Council, Katol was not made a party by the claimant. The reference court rejected the reference and the claimant has preferred

appeal before this court for enhancement. In view of the judgment reported in **Maharashtra State Electricity Board, Jalgaon .vrs. Pralhadsa Lahanusa Kashtriya and another, 2004 (1) Mh.L.J. 649**, it is necessary to join the acquiring body as party respondent. Hence the order :

2. The appeal is allowed. The Award made by the Reference Court is set aside. The matter is remanded to the Reference Court for fresh decision. The Reference Court shall permit the appellant to join Municipal Council, Katol as respondent, shall afford opportunity to all the parties to adduce evidence in support of their plea and shall decide the matter afresh within six months from the date of communication of this order.

JUDGE **JUDGE**

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